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11 OCT 06 AM 9:29

1 KING COUNTY
2 SUPERIOR COURT CLERK
3 E-FILED
4 CASE NUMBER: 11-2-34698-6 KNT

7 IN THE SUPERIOR COURT OF WASHINGTON
8 IN AND FOR KING COUNTY

9 HUNNY KING,

10 Plaintiff,

11 v.

12 TELEBRANDS CORPORATION and
13 JOHN DOE CORPORATIONS 1-10,

14 Defendants.

15 NO.

16 COMPLAINT

17
18 **I. JURISDICTION AND VENUE**

19 1.1 The subject product was purchased in King County, Washington and the
20 injuries sustained by Plaintiff were incurred in King County, Washington, rendering
21 jurisdiction and venue proper in this Court.

22
23 **II. PARTIES**

24 2.1 Hunny King was, at all times material hereto, a resident of Federal Way, King
25 County, Washington.

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1 2.2 Telebrands Corporation is the manufacturer, marketer, producer, and
2 distributor of the Get-A-Grip suction mount handle and does business in and/or is
3 headquartered in Fairfield, New Jersey.

5 2.3 John Doe Corporations 1-10 are the potential and undisclosed designers,
6 manufacturers, component designers and/or manufacturers and the predecessors and
7
8 successors in interest of Defendant Telebrands Corporation.

III FACTS

11 3.1 Plaintiff is handicapped and needs assistance getting in and out of her shower
12 and bath.

14 3.2 Plaintiff saw on television the Defendants' Get-A-Grip suction mount handle,
15 which was specifically advertised for the purpose of attaching to the consumer's shower
16 and/or bath to use as a grip and handle to enter and exit the bath. Plaintiff saw the Get-
17
18 A-Grip at the drug store, purchased it there and installed it on the wall above her tub.

3.3 Get-A-Grip makes the following warranty:

The original Get-A-Grip is the revolutionary new way to have a safety grip whenever you need it. It attaches easily to any smooth surface and it is especially useful in a bathroom. The two powerful suction grips are strong enough to provide the grip you need to safely enter or exit the bathtub or shower, or just about anywhere you need a hand. It's just as easy to remove as it is to install.

1 3.4 The first time Plaintiff pulled herself up from her tub with the Get-A-Grip, it
2 lost suction, gave way and she fell. Plaintiff sustained multiple injuries including, but not
3 limited to, her teeth, shoulders, and legs.

IV. CAUSES OF ACTION

4.1 Under the Washington Products Liability act, RCW 7.72.010 et seq, a manufacturer has a duty to supply products that are reasonably safe and is subject to liability if the product was not reasonably safe because it did not conform to the manufacturer's express warranty and this was a proximate cause for plaintiff's injury and/or damage. The Defendants' warranty related to a material fact or facts concerning the product and the warranty turned out to be untrue.

4.2 Under the Washington Products Liability Act, RCW 7.72.010 et seq the manufacturer has a duty to design a product that is reasonably safe. A product is not reasonably safe in design if either: (1) at the time of manufacture, the likelihood that the product would cause injury or damage similar to that claimed by the Plaintiff, and the seriousness of such injury or damage, outweigh the burden on the manufacturer to design a product that would have prevented the injury or damage and outweigh the adverse effect that an alternative design that was practical and feasible would have had on the usefulness of the product; or (b) the product is unsafe to an extent beyond that which would be contemplated by an ordinary user. The Defendants' product was not safe as designed.

COMPLAINT - 3

1 4.3 Defendants breached both of the foregoing standards of liability under the
2 Washington Products Liability Act and are, as a result, liable for the damages resulting
3 therefrom to Plaintiff.

V. DAMAGES

5.1 As a result of Defendants' breaches of the foregoing standards, Plaintiff suffered injuries to her teeth, the side of her body, her shoulders and her knees.

5.2 As a result of the foregoing injuries, Plaintiff has suffered pain, suffering, disability, limited mobility, and impairment in the quality of and enjoyment of life.

VI. PRAYER FOR RELIEF

Plaintiff prays for the following relief against Defendants:

(1) For damages for her medical expenses incurred as a result of the subject incident;

(2) For damages for her pain, suffering, disability, and impairment in the quality of and enjoyment of life:

(3) For such other relief as the Court may deem just and proper including her attorneys fees and costs

DATED this 6 day of October, 2011.

PEIZER, RICHARDS & ZIONTZ, P.S.

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